



TEXAS DEPARTMENT OF HEALTH
AUSTIN, TEXAS
INTER-OFFICE MEMORANDUM

TO: Regional Directors
Directors, Local Health Departments
Directors, Independent WIC Local Agencies
Herman Horn, Chief, Bureau of Regional/Local Health Operations

FROM: Barbara Keir, Director
Public Health Nutrition and Education
Bureau of Nutrition Services *B. Keir*

DATE: January 28, 2000

SUBJECT: Guidelines for Retrieval of Multi-User Breast Pumps

The purpose of this memo is to provide local agencies with information and guidelines to follow if a multi-user electric breast pump is not returned by a WIC participant. **When these procedures are followed and documented, local agencies will not be financially liable.** Local agencies that have experience with multi-user electric breast pumps indicate that only a small percentage may not be returned to the clinic.

1. When a pump is not returned by the due date, the attached procedures should be used to retrieve the pump. Please review what is and is not allowed when attempting to retrieve a pump.
2. Local agencies shall make every reasonable effort, in the best interest of the State, to retrieve overdue pumps.
3. All attempts to retrieve a multi-user breast pump must comply with applicable State and Federal Fair Debt Collection Practices, summarized on page 2 of the attached guidelines.

If you have questions, please contact Tracy Erickson, WIC Breastfeeding Coordinator, at (512) 458-7444, ext. 3409.

Attachments

Guidelines for Retrieval of Multi-User Breast Pumps

MUST DO'S

To Prevent Financial Liability: The following conditions must be met to prevent financial liability for pumps not returned to your agency.

1. **At a minimum, local agencies shall attempt to reach the participant once per week over a four week period, i.e., a total of four attempts.** Each of the four attempts must be documented on the breast pump log.
2. **At least one of the four documented attempts to retrieve the pump must be a written letter.** The letter should be in Spanish if being sent to a Spanish speaking participant. An English form letter is attached. All local agencies will be sent a Spanish form letter when translation is completed.
3. The following situations can be documented as attempts:
 - There is no answer when attempting to reach participant by phone.
 - You talk to the participant, on the phone or in person.
 - You leave a message on an answering machine, voice mail, or with another person **asking the participant to call the clinic.**
 - **You send a postcard requesting that the participant call the clinic.** Attach returned postcard(s) to inventory log, or document non-response if the postcard is not returned.
 - The participant is not home when attempting to reach them by home visit.
 - A local agency retrieval letter is mailed to participant. If letter is returned, attach letter(s) to inventory log, or document non-response if the letter is not returned.
 - If a participant tells you the pump was stolen, document it on the log. No further attempts should be made to retrieve the pump. **Do not loan the participant another multi-user pump.**
4. You can contact the person listed as “other contact” on the participant’s release form only to verify the participant’s current phone number and address or to request the “other contact” ask the participant to call the clinic. Verifying the participant’s current phone number and address **cannot** be counted as an attempt. Asking the “other contact” to have the participant call the clinic **can** be counted as an attempt.
5. If the above requirements have been met and the pump has still not been returned, notify your WIC Director and the WIC Breastfeeding Coordinator at TDH of loss of pump within 5 weeks of due date of pump. **Your local agency will not be financially liable if all above conditions have been met.**

Tips for Pump Retrieval

- Ask the participant if she still needs a pump. If she does, offer to give her a single-user pump (electric or manual) when she returns the multi-user pump.
- If the participant says she will return the pump, ask her when she will do it. Tell the participant you are writing down her promise to return the pump on the schedule and document it on her release form. You can use this information if you need to contact the participant again. (ie. “You said you would return the pump on _____. Is there a problem? Do you have transportation? Do you need us to pick up the pump?”)

MUST NOT'S

All local agencies are required to comply with State and Federal Fair Debt Collection Practices when attempting to retrieve a multi-user breast pump. Under the Fair Debt Collection Practices, a debt collector:

- may not engage in any conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt.
- may not use false, deceptive, or misleading representation or means in connection with the collection of any debt.
- may not use unfair or unconscionable means to collect or attempt to collect any debt.

When Attempting To Retrieve A Pump, Under No Circumstances Should You:

1. Send a postcard **stating you are trying to retrieve a pump.**
2. Leave a message on an answering machine **stating you are trying to retrieve a pump.**
3. Call the “other contact” on the release form **stating that you are trying to retrieve a pump.**
4. Identify yourself as anyone other than a WIC staff member.
5. Call the participant at work or home before 8:00 am or after 9:00 pm.
6. Continue to call the participant at work after she has asked you not to call her at work.
7. Continue to call a participant after she tells you the pump was stolen.
8. Use a third party, such as local sheriff or debt collector, to attempt to retrieve a pump.
9. Withhold vouchers or services to WIC participants who do not return a pump.

This is not an all-inclusive list of State and Federal Fair Debt Collection Practices. Contact the following persons if you have additional questions about appropriate debt collection practices or retrieval of a pump.

- Local agencies 83, 84, 87, 88 should contact Tracy Erickson, WIC Breastfeeding Coordinator, at (512) 458-7444, ext. 3409.
- All other local agencies should contact their agency's legal counsel.

Sample Local Agency Breast Pump Retrieval Letter

Dear *name of participant* ,

You received a *Hollister Elite* breast pump from us on *date* . You signed a release form when you received the pump stating that you would return the breast pump on *due date* . It has not been returned as of this date. We have made *number* attempts to reach you by calling *vhone number* or sending you a letter at *address* but have been unable to contact you.

The breast pump you were loaned is reserved for WIC mothers who have premature or sick babies in the hospital. These babies often do not survive without their mother's milk. We have a limited number of pumps to loan to WIC moms, so it is important that the pump loaned to you be returned.

If you need a breast pump to continue breastfeeding, please let the WIC staff know upon returning the *Elite* pump. The WIC clinic will most likely have another pump they can give you to help you maintain your milk supply.

The breast pump you borrowed is State of Texas property and must be returned. If we do not receive a reply by *date* we will notify the Texas Department of Health of your failure to return the breast pump. The Texas Department of Health will decide what further actions may be taken.

Please contact *WIC staff member* at *WIC vhone number* to make arrangements for the return of the breast pump. If you don't have transportation, a WIC staff member can pick it up. It is extremely important that WIC be able to provide breast pumps to mothers who need them.

Sincerely,

This form letter can be modified with approval from the State Breastfeeding Coordinator.